IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 22926 of 1994

Between:

T.Raja Gopal S/o.subrahmanyam
R/o.H.No.30-8-27A Sri Kalyani Agencies
Bhanu Street, Daba Gardens Visakhapatnam - 20

..... PETITIONER

AND

1 The Dist. Collector Visakhapatnam
2 The Commissioner Municipal Corporation of Visakhapatnam, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Mandamus directing the 2nd respondent i.e., the commissioner, Municipal Corporation of Visakhapatnam to grant permission for the construction of the building in Plot No.29 of Sy. No.33/1, of Resapuvanipalem Village, seethampeta, Area, Visakhapatnam, as submitted in the petitioner's building application BA No.2433/94, dt.8/11/94 U/s.184 & 185 of A.P., Municipalities Act, 1965 R/w. A.P.Municipalities (lay out) Rules, 1970.

Counsel for the Petitioner:MR.J.VENUGOPAL RAO

Counsel for the Respondent No.: MR.T.S.VENKATARAMANA

The Court made the following :

-

-

-

-

O R D E R :-

Heard both sides.

The grievance of the petitioner is that the 2nd respondent-Municipal Corporation of Visakapatnam did not grant permission for construction of the building in Plot No.29 of Sy.No.33/1 of Resapurvanipalem village, Seethammapeta area, Visakhapatnam.

It appears that the petitioner sought permission for raising a construction and the same had not been considered by the respondents for the various reasons, which are not on record by way of any counter affidavit. However, having regard to the facts and circumstances of the case, since a representation had already been made by the petitioner to the respondents, the respondents are under an obligation to consider the same and pass appropriate orders thereon in accordance with law.

At this stage, the learned counsel appearing for the petitioner submits that inspite of interim orders granted by this Court in W.P.M.P.No.28558 of 1994, dated 30-12-1994, his representation was not considered and disposed of by the respondents.

Having regard to the facts and circumstances, this Writ Petition is disposed of with the following direction:

> "The respondents shall consider the representation of the petitioner said to have been submitted by him to the respondents seeking permission for making constructions within eight weeks from the date of receipt of a copy of this Order and pass appropriate orders thereon in accordance with law and communicate the same to the petitioner. No costs."

ASSISTANT REGISTRAR

// TRUE COPY //

SECTIION OFFICER.

To

1 The Dist. Collector, Visakhapatnam
2 The Commissioner, Municipal Corporation of Visakhapatnam, Visakhapatnam

3 2CCs

4 2CD copies